

TWENTY-THIRD DAY

(Thursday, February 14, 1963)

The Senate met at 2:00 o'clock p.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Reagan
Creighton	Richter
Crump	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Dies	Owen
Hall	Ratliff
Herring	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence

Senator Ratliff was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Dies was granted leave of absence for today on account of important business on motion of Senator Krueger.

Senator Hall was granted leave of absence for today on account of important business on motion of Senator Word.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Creighton.

Senator Herring was granted leave of absence for today on account of illness on motion of Senator Krueger.

Message from the House

Hall of the House of Representatives
Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 171, A bill to be entitled "An Act amending Article 892, Penal Code, 1925, to add Desert Bighorn sheep and Aoudad sheep to the list of game animals and declaring an emergency."

H. B. No. 12, A bill to be entitled "An Act relating to a change in the name of West Texas State College at Canyon, Texas; amending Section 1 of Chapter 223, Acts of the 51st Legislature, 1949, so as to change the name of West Texas State College to 'West Texas State University'; ratifying and confirming in behalf of 'West Texas State University' all legislative Acts and appropriations heretofore passed in behalf of West Texas State College, West Texas State Teachers College, or West Texas State University; and declaring an emergency."

H. B. No. 173, A bill to be entitled "An Act prohibiting the State Board of Education from adopting any policy rule, regulation or other plan, as a prerequisite for accreditation or other approval, which would require any School District to hire or assign any guidance counselor or supervisor or require such as a part time duty of any superintendent, principal or teacher."

Respectfully submitted,

DOROTHY HALLMAN,

Chief Clerk, House of Representatives

Senate Resolution 131

Senator Krueger offered the following resolution:

Whereas, Our colleague, the distinguished and able Senator from Travis, Honorable Charles F. Herring, is now in Seton Hospital recovering from surgery; and

Whereas, We, his colleagues in the Senate, are mindful of Senator Herring's present temporary discomfort and pray for a speedy and healthy recovery; and

Whereas, We wish to acknowledge the importance of his able and conscientious services to The State of Texas and want him to know that we are keenly aware of his absence from us; now, therefore, be it

Resolved, That the Senate of The State of Texas do extend to Senator Charles F. Herring our affection and admiration together with our very best wishes for an early return to his many duties in the Senate.

**DIES
KRUEGER**

Signed—Lieutenant Governor Preston Smith; Aikin, Bates, Blanchard, Calhoun, Cole, Colson, Creighton, Crump, Hall, Hardeман, Harrington, Hazlewood, Kazen, Kennard, Moffett, Moore, Owen, Parkhouse, Patman, Ratliff, Reagan, Richter, Rogers, Schwartz, Spears, Strong, Watson, Word.

The resolution was read.

On motion of Senator Colson and by unanimous consent the names of the Lieutenant Governor and all the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

Reports of Standing Committees

Senator Hardeман submitted the following reports:

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 103, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 105, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Jurisprudence, to which was referred S. B. No. 213, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Senator Creighton submitted the following report:

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred H. B. No. 168, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

CREIGHTON, Chairman.

Senator Aikin submitted the following reports:

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 25, have had the same under consideration, and we are instructed to recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 122, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B.

No. 133, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 137, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 165, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Austin, Texas,
February 14, 1963.

Hon. Preston Smith, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 190, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

AIKIN, Chairman.

House Bill 168 Ordered Not Printed

On motion of Senator Creighton and by unanimous consent H. B. No. 168 was ordered not printed.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senators Schwartz and Herring:

S. B. No. 279, A bill to be entitled "An Act amending and revising Chapter 3, Title 94 of the Revised Civil Statutes of Texas, 1925, as amended,

relating to the National Guard and other State Military Forces and amending and revising certain other laws, as amended, relating to the National Guard and veterans affairs and incorporating such laws within Chapter 3, Title 94 of the Revised Civil Statutes of Texas, 1925; providing for severability; and repealing certain enumerated laws and all other laws in conflict."

To the Committee on Military and Veterans Affairs.

By Senator Krueger:

S. B. No. 280, A bill to be entitled "An Act to amend the Insurance Code of Texas, Chapter 14, Acts 1951, 52nd Legislature, page 868, Chapter 491, as amended, by adding thereto a new article, 14.14a; to provide for its application to companies or associations regulated by the provisions of Chapter 14 of the Insurance Code of Texas; to provide for the validation of charters of certain of such companies; to provide for the right to amend the charters of certain such companies for the purpose of extending their period of duration; to provide for its inapplicability under certain circumstances; to provide for the precedence of this Act in the event of conflict with any other law; to declare the provisions of this Act to be severable; and declaring an emergency."

To the Committee on Insurance.

By Senator Rogers:

S. B. No. 281, A bill to be entitled "An Act amending Chapter 353, Acts, 57th Legislature, Regular Session, 1961, by repealing Section 2a of said Act, relating to purchase of certain school lands in the City of Dodson; and declaring an emergency.

To the Committee on Counties, Cities and Towns.

By Senator Creighton for Senator Herring:

S. B. No. 282, A bill to be entitled "An Act to create Municipal Courts with original and appellate jurisdiction in certain cases in cities having a population of fifty thousand (50,000) or more; prescribing the jurisdiction, organization, procedure, and powers of such courts; prescribing the practice therein and the appeals therefrom; providing for the selection of a Judge of said Court and for an Alternate Judge; providing for the re-

removal of the Judge; providing for the hiring of personnel and the reporting and recording of the proceedings of said Court; providing for a Seal of said Court; providing for the selection of a Jury and the right of trial by Jury; prescribing the conditions for vacating the offices of said Court and providing therefor; providing for the conforming of the criminal jurisdiction of other Courts thereto; providing a repealing clause, severability clause, and declaring an emergency."

To the Committee on Legislative Congressional and Judicial District.

By Senator Hardeman:

S. B. No. 283, A bill to be entitled "An Act to classify loans and lenders of amounts of Three Thousand Dollars (\$3000) or less, repayable in installments; to license and regulate such lenders; to define interest; to fix maximum rates of interest on such loans; to permit lenders as herein classified to charge a greater rate of interest than lenders not so classified; to provide for administration and enforcement of this Act and the issuance orders therefor; to authorize the making of examination and investigations of such loans, and lenders; to provide for the review of administrative acts hereunder; to provide penalties; to repeal all other laws, or parts of laws in conflict herewith; to provide for severability; and declaring an emergency."

To the Committee on Banking.

By Senator Creighton for Senator Herring:

S. B. No. 284, A bill to be entitled "An Act to create county traffic courts with original and appellate jurisdiction in certain traffic cases; prescribing the organization, jurisdiction, powers, and procedure of such courts; and conforming the jurisdiction and procedure of other courts thereto; repealing all laws in conflict herewith and declaring an emergency."

To the Committee on Legislative, Congressional and Judicial Districts.

By Senator Watson:

S. B. No. 285, A bill to be entitled "An Act amending Subsection (F) of Article 20.04, Chapter 20, Taxation—General, Revised Civil Statutes of Texas, 1925 to exempt certain non-profit water supply corporations from

paying the limited sales, use and excise tax and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Blanchard:

S. B. No. 286, A bill to be entitled "An Act authorizing the commissioners court in each of certain counties to furnish an automobile, including expenses of operation thereof, to each county commissioner for use in official business; repealing conflicting laws; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

Senate Concurrent Resolution 20

Senator Krueger offered the following resolution:

S. C. R. No. 20—Authorizing the Board of Control to enter into fallout shelter agreement with Federal Government for use of State Building.

Whereas, The President of the United States has undertaken for the nation an accelerated and strengthened civil defense program, including a fallout shelter program; and

Whereas, Fallout shelter surveys have indicated that the capitol complex includes 26 shelter areas which are contained within eight (8) State-owned buildings providing a total of over 10,000 shelter spaces and constitutes a decidedly significant portion of the highest quality of community shelters available within the City of Austin; and

Whereas, The proper marking and stocking of these shelter areas is desirable for the protection of the members of the Legislature, other government employees, and citizens who may require such protection in the event of an attack resulting in radio-active fallout; and

Whereas, It is necessary in order to participate in the Federal marking and stocking program in cooperation with local civil defense authorities that the State of Texas enter into a fallout shelter license agreement that will permit Federal and other civil defense authorities to designate, establish, maintain, and inspect the premises of State buildings for fallout shelter purposes during reasonable periods; and

Whereas, The use of basements, corridors, and other common areas of the buildings in the capitol complex for

the sole purpose of temporary sheltering persons during and after any and every actual or impending attack will in no wise interfere with the usual use of the premises for the carrying on of the State's business therein; and

Whereas, Article 665 of the Revised Civil Statutes places the Board of Control in charge of public buildings and grounds and the Civil Protection Act (Article 6689-4, R.C.S.) authorizes the use of facilities of departments, offices and agencies of the State in carrying out the provisions of that Act; now, therefore, be it

RESOLVED, By the Senate of the 58th Legislature of the State of Texas, the House of Representatives concurring, that the State Board of Control shall be authorized to enter into fall-out shelter license or privilege agreements for the above mentioned purposes and in the form now in use generally by the Federal Government when contracting for the same with private persons, provided that any such license or privilege may be revoked by 90-days' written notice sent by Registered Mail to the Federal or State agency, or political subdivision with which the agreement is made.

The resolution was read and was referred to the committee on State Affairs.

Communication from Legislative Audit Committee

The following communication from the Legislative Audit Committee was read and was referred to the Committee on Nominations:

Austin, Texas,
February 11th, 1963.

To the Senate of the 58th Legislature of the State of Texas:

This is to certify that the Legislative Audit Committee, under the provisions of Senate Bill No. 27 as passed by the 48th Legislature, did on this day appoint C. H. Cavness as State Auditor of the State of Texas for the term expiring February 15th, 1965.

It is respectfully requested that Senate confirmation be given this appointment.

**LEGISLATIVE AUDIT
COMMITTEE**

PRESTON SMITH
Lieutenant Governor

BYRON TUNNELL
Speaker of the House of
Representatives

GRADY HAZLEWOOD
Chairman of the Senate Finance
Committee

A. M. AIKIN, JR.
Chairman of the Senate Committee
on State Affairs

W. S. HEATLY
Chairman of the House
Appropriations Committee

BEN ATWELL
Chairman of the House Committee
on Revenue and Taxation

Message from the Governor

The following message received from the Governor was read and was referred to the Committee on Nominations:

Austin, Texas,
February 12, 1963.

To the Senate of the Fifty-Eighth
Legislature:

I ask the advice, consent and confirmation of the Senate with respect to the following appointment: To be a member of the State Board of Public Welfare, for a six-year term to expire January 20, 1969: Will Bond of Hillsboro, Hill County.

Respectfully submitted,
JOHN CONNALLY,
Governor of Texas.

House Bills on First Reading

The following bills received from the House, were read the first time and referred to the committees indicated:

H. B. No. 12, To the Committee on
State Affairs.

H. B. No. 173, To the Committee on
Education.

House Bill 168 on Second Reading

Senator Bates moved that Senate Rules 116, 13 and 38 and Section 5 of Article III of the State Constitution be suspended and that H. B. No. 168 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin

Bates

Blanchard	Moffett
Calhoun	Moore
Cole	Parkhouse
Colson	Patman
Creighton	Reagan
Crump	Richter
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Kazen	Watson
Kennard	Word
Krueger	

Nays—1

Rogers

Absent—Excused

Dies	Owen
Hall	Ratliff
Herring	

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 168, A bill to be entitled "An Act amending Section 4a of Chapter 119, Acts of the Fifty-third Legislature, Regular Session, 1953, as amended, relating to fishing in Laguna Madre in Cameron County; and declaring an emergency."

The bill was read second time and was passed to third reading.

House Bill 168 on Third Reading

Senator Bates moved that Senate Rules 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 168 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Reagan
Creighton	Richter
Crump	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Kazen	Word
Kennard	

Nays—1

Rogers

Absent—Excused

Dies	Owen
Hall	Ratliff
Herring	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Parkhouse
Cole	Patman
Colson	Reagan
Creighton	Richter
Crump	Schwartz
Hardeman	Spears
Harrington	Strong
Hazlewood	Watson
Kazen	Word
Kennard	

Nays—1

Rogers

Absent—Excused

Dies	Owen
Hall	Ratliff
Herring	

Bill Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 171, A bill to be entitled "An Act amending Article 892, Penal Code, 1925, to add Desert Bighorn sheep and Aoudad sheep to the list of game animals and declaring an emergency."

Welcome Resolution

S. R. No. 128—By Senator Creighton: Extending welcome and privileges of floor to Mr. and Mrs. Nolan Queen of Weatherford.

Memorial Resolutions

S. R. No. 129—By Senator Richter: Memorial resolution for E. H. West.

S. R. No. 130—By Senator Watson: Memorial resolution for Mrs. J. W. (Mary T.) Hester.

Adjournment

On motion of Senator Moffett the Senate at 2:42 o'clock p.m. adjourned until 11:00 o'clock a.m. on Monday, February 18, 1963.

TWENTY-FOURTH DAY

(Monday, February 18, 1963)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Krueger
Bates	Moffett
Blanchard	Moore
Calhoun	Owen
Cole	Parkhouse
Colson	Patman
Creighton	Ratliff
Crump	Reagan
Dies	Richter
Hall	Rogers
Hardeman	Schwartz
Harrington	Spears
Hazlewood	Strong
Kazen	Watson
Kennard	Word

Absent—Excused

Herring

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 14, was dispensed with and the Journal was approved.

Leave of Absence

Senator Herring was granted leave of absence for today and the remainder of the week on account of illness on motion of Senator Dies.

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the committees indicated:

By Senator Parkhouse for Senator Herring:

S. B. No. 287, A bill to be entitled "An Act to amend Chapter 403, Acts

of 1947, 50th Legislature, p. 945 (codified as Article 5441a, Vernon's Texas Civil Statutes Annotated, 1925); providing for duties for departments and institutions of the State regarding records administration; and declaring an emergency."

To the Committee on State Departments and Institutions.

By Senator Owen:

S. B. No. 288, A bill to be entitled "An Act amending Section 4 of Chapter 194, Acts of the 42nd Legislature, Regular Session, 1931 (compiled as Section 4 of Article 695a of Vernon's Texas Civil Statutes), to provide that the commissioners court of any county may appoint in said county a minimum of seven (7), but not more than twenty (20), persons to serve as a Child Welfare Board; and declaring an emergency."

To the Committee on Counties, Cities and Towns.

By Senator Owen:

S. B. No. 289, A bill to be entitled "An Act amending Article 695C, Section 8A and Section 8B of Vernon's Civil Statutes, 1925, as amended originally from Acts 1939, 46th Legislature, Page 544; Acts 1941, 47th Legislature, Page 914, Chapter 562, 1 as amended Acts 1949, 51st Legislature, Page 743, Chapter 402, 1, relating to appeals from orders of the advisory board as appointed by the State Department of Public Welfare, so as to change jurisdiction and venue on such appeal and making other provisions relating thereto; and declaring an emergency."

To the Committee on Jurisprudence.

By Senator Owen:

S. B. No. 290, A bill to be entitled "An Act to amend Section 5 of Chapter 42, Acts of the 41st Legislature, Second Called Session, as last amended by Chapter 94, Acts of the 56th Legislature, by the addition thereto of a new section to increase the maximum load limit on certain type commercial motor vehicles from forty-eight thousand (48,000) pounds to fifty-eight thousand (58,000) pounds where such vehicles are used for a specialized purpose and within a specified area; and declaring an emergency."

To the Committee on Transportation.